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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,557	08/09/2001	Anand Narasimhan	0002045.0001	5774

7590

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EXAMINER

ENG, GEORGE

ART UNIT	PAPER NUMBER
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2643

13

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/925,557

Applicant(s)

NARASIMHAN ET AL.

Examiner

George Eng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 43-56 is/are pending in the application.
- 4a) Of the above claim(s) 56 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 43-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Claim 56 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 12.

2. This application contains claims 1-42 and 56 are drawn to an invention nonelected in Papers No. 5 and 12. A complete reply to the final rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

### *Response to Amendment*

3. This Office action is in response to the amendment filed 7/23/2003 (paper no. 10).

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 43-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bro (US PAT. 6,249,809) in view of Trusheim et al. (US PAT. 6,385,589 hereinafter Trusheim) and Schwartz et al. (US PAT. 5,872,923 hereinafter Schwartz).

Regarding claim 43, Bro discloses an interactive system for providing one or more individuals information to a health care worker (abstract) comprising the steps of providing the health care worker with a user device (i.e., 26, 52, 60, 68 or 68), the user device being communicatively linked to a system, i.e., remote central server, via a device adapter (i.e., 72 or 80) by a management surface interface, the system comprising applicants for controlling one or more electronic tools within the system in order to perform a desired information and one or more information source, i.e., database, for processing and storing medical information, connecting the health care worker to the remote central server by the device adapter, providing the health worker with one or more requests, i.e., menus, for medical information by sending the requests to the user device through an interactive message interface, entering the requested information by the health care worker in a way of the user device communicatively linked to the device adapter, forwarding the requested information a reporting tool for processing and transferring from the reporting tool to the information source (figures 5A-5B, col. 3 line 10 through col. 5 line 41 and col. 7 line 40 through col. 10 line 55). Bro differs from the claimed invention in not specifically teaching the system comprising the reporting tool for processing the request medical information in a predetermined formatted and processing the requested information in the desired format. However, Trusheim teaches a system for managing the health care information comprising a translator for translating source data files in a predetermined format and passing the processed information to a database so that the system is flexible and

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tolerant of change of information flow (col. 8 lines 1-62 and col. 9 line 56 through col. 10 line15). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Bro in for processing the request medical information in a predetermined formatted and processing the requested information in the desired format, as per teaching of Trusheim, because it makes flexible and tolerant of change of information flow to the system. Furthermore, neither Bro nor Trusheim specifically teaches to provide a collaboration tool configuration to enable one-to-one, one-to-many, many-to-one, and many-to-many communications and collaboration among one or more health care workers. However, Schwartz teaches a collaborative system for distributing data to one or several or all computers involved in communications from which each computer can generate a display containing the common visual image or file for allowing multiple computer users to view and annotate the common display, thereby improving the communication system. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Bro and Trusheim in having the collaboration tool configuration to enable one-to-one, one-to-many, many-to-one, and many-to-many communications and collaboration among one or more health care workers, as per teaching of Schwartz, because it allows multiple health care workers to view and annotate the common display, thereby improving the health monitoring system

Regarding claim 44, Trusheim teaches to provide a communication tool a programmed to authorize access into the system for retrieving messages from the system to the health care worker if messages are existed in the system (col. 15 line 38 through col. 16 line 16).

Regarding claim 45, Bro teaches to provide a security tool to authorize the access into the system comprising the steps of presenting a menu to input a PIN or pre-assigned password by the

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way of the user device, and providing access to the system when the password is determined to be authentic by the security tool (col. 8 line 66 through col. 9 line 4).

Regarding claims 46, Trusheim teaches to provide a survey tool for composing a medical survey to be forwarded to other health care workers having means to access the system for forwarding the medical survey to the user device (col. 3 lines 18-20 and col. 5 lines 21-32).

Regarding claim 47, Trusheim teaches to provide a notification tool programmed to provide a predetermined notification function upon receiving a designated type of medical information pertaining to the condition of the one of more individuals and delivering the designated information from the notification tool to a predetermined recipient when the processed information contains designated information (col. 3 lines 30-55).

Regarding claim 48, Bro teaches to provide a scheduling tool to forward a predetermined message to the user device on a pre-selected date (col. 9 lines 33-40).

Regarding claim 49, Bro teaches to provide a forecasting tool to obtain a second set of medical information from the health care worker and delivering the second set of information to the user device when the second set of medical information contain the designated medical information regarding the condition of one or more individuals (col. 8 lines 57-65).

Regarding claim 50, Bro teaches to provide a telemetry tool for collecting geographical data pertaining the location of the user device as the user device accesses the system and storing the geographical data in one or more information sources (col. 8 lines 12-14).

Regarding claim 51, Bro teaches the user device comprising a telephone (26) having a numbered key-pad (figure 5A).

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Regarding claim 52, the limitations of the claim are rejected as the same reasons as set forth in claim 43.

Regarding claim 53, Bro teaches the system further comprising memory means to record anatomical measurement for the individual (col. 6 lines 6-14).

Regarding claim 54, Trusheim teaches an analysis means for retrieving recorded anatomical measurement for comparison (col. 23 lines 36-52).

Regarding claim 55, Trusheim discloses to perform a categorizing function with respect to the information on the individual represented in at least one database, wherein the categorizing function categorizes the information based on the individual's sex, age, geographic location, etc. (figures 20-23).

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 43-55 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chen et al. (US PAT. 5,553,609) discloses an intelligent remote visual monitoring system for home health care service (abstract). Beck et al. (US PAT. 4,893,270) discloses a medical information system for interconnecting all of health care workers' terminals (abstract).

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8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, V.A., Sixth Floor (Receptionist).

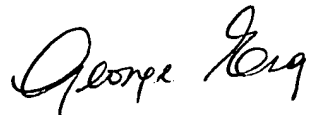


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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tuesday to Friday from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz, can be reached on (703) 305-4870. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.



George Eng  
Primary Examiner  
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